

Ordinance No.: 17-35
Zoning Text Amendment No.: 13-01
Concerning: Planned Development
Zones – Procedures
Draft No. & Date: 1 - 2/8/13
Introduced: March 12, 2013
Public Hearing: April 16, 2013
Adopted: April 30, 2013
Effective: May 1, 2013

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Berliner

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow fences under certain circumstances without a site plan or a site plan amendment in Planned Unit Development Zones; and
- generally amend the provisions concerning the application and approval procedures for Planned Unit Development Zones

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-7. “PLANNED UNIT DEVELOPMENT ZONES.”
Section 59-C-7.19. “Procedure for application and approval.”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[Double boldface brackets] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 13-01, sponsored by Councilmember Berliner, was introduced on March 12, 2013.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be approved with an amendment to provide for Planning Department and Planning Board oversight. Planning Department Staff recommended approval of the ZTA as introduced.

The Council held a public hearing on April 16, 2013 to receive testimony concerning the proposed text amendment. All of the testimony received, with the exception of the testimony from the Planning Board, recommended approval of ZTA 13-01 as introduced. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on April 23, 2013 to review the amendment and the staff report prepared for their worksession. The Planning, Housing, and Economic Development Committee (3-0) recommended approval of ZTA 13-01 as introduced.

The Committee would have sought ways to expand the concept of allowing more fences without a site plan approval or a site plan amendment if the scope of the advertisement for ZTA 13-01 were broader. The Committee instructed staff to highlight opportunities in the pending Zoning Ordinance Rewrite for a similarly streamlined process for minor improvements that should be able to avoid an expensive and time consuming process.

The District Council reviewed Zoning Text Amendment No. 13-01 at a worksession held on April 30, 2013 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 13-01 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-C-7 is amended as follows:

DIVISION 59-C-7. PLANNED UNIT DEVELOPMENT ZONES.

* * *

59-C-7.19. Procedure for application and approval.

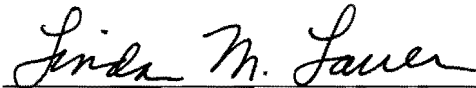
(a) [Application] An application and a development plan [approval must be in accordance with the provisions of division] must be submitted and approved under Division 59-D-1.

(b) Site plans must be submitted and approved [in accordance with the provisions of division] under Division 59-D-3; however, the installation of a fence, not including a deer fence, on the property of a Private Educational Institution is permitted without a site plan or a site plan amendment, if the fence does not cross a public trail, path, or roadway.

* * *

Sec. 2. Effective date. This ordinance becomes effective one day after the date of Council adoption.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council